

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 April 2010 has been entered.

Response to Amendment

2. Claims 1-8 and 10 remain pending.

Election/Restrictions

3. Claims 1-5 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 September 2007.

Response to Arguments

4. The rejection of claims 6-8 and 10 as indefinite under 35 USC 112, 2nd Paragraph, is maintained. On a very simple level, indefiniteness arises because the term is subjective. A cloth that unravels when a force is applied diagonally may be considered as coming undone *readily* if, in a particular application, such a force is routinely applied. If, in another application, such a force is rarely — if ever — applied, such a cloth would not be considered as coming undone *readily*. If the disclosure were

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to provide a standard for ascertaining this requisite degree, one skilled in the art may be reasonably apprised of the scope of the invention. Since it does not, the claims remain indefinite. Further, the newly-added phrase *tends to* does not clarify the claim, since it appears to introduce an unbounded measure of probability concerning the likelihood that the cloth will be considered as *readily* coming undone.

5. The rejection under 35 USC 103(a) is withdrawn. In the instant claims, as amended, impregnation is clearly more than incidental, as it was in *In re Marra et al.* Rather, impregnation must be sufficient to provide, upon curing, *an adhesive medium that bonds together...the vertical strips and horizontal strips and reduces the tendency of the cloth layer from coming undone.*

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6-8 and 10 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term *readily* in claim 6 is a relative term which renders the claim indefinite. The term *readily* is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. A cloth that unravels when a force is applied diagonally may be considered as coming undone *readily* if, in a particular application, such a force is routinely applied. If, in another application, such a

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force is rarely — if ever — applied, such a cloth would not be considered as coming undone *readily*. If the disclosure were to provide a standard for ascertaining this requisite degree, one skilled in the art may be reasonably apprised of the scope of the invention. Since it does not, the claims remain indefinite. Further, the newly-added phrase *tends to* does not clarify the claim, since it appears to introduce an unbounded measure of probability concerning the likelihood that the cloth will be considered as *readily* coming undone. Claims 7, 8, and 10, are similarly rejected by virtue of their incorporation of this subject matter.

Allowable Subject Matter

9. Claims 6-8 and 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter: The screen-printing of ink on textile substrates is known, as shown in Saint Victor, for example. The use of an impregnated adhesive to hold fibers of a textile together is also known. See US 5,965,232 A at 3:61-67, for example. The prior art neither teaches nor suggests impregnating, by screen printing, and ink that, upon curing, functions as an adhesive to hold fibers together.

Conclusion

11. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE**

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FINAL even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/William Phillip Fletcher III/
Primary Examiner, Art Unit 1715

15 June 2010